Submission to the Senate Legal and Constitutional Affairs Legislation Committee

Inquiry into the Freedom of Information Bill 2025

1. Introduction

1.1. This is a joint submission from the Alliance for Journalists' Freedom and Dr Danielle Moon at the Macquarie University Law School.

1.2. We welcome the opportunity to provide a submission to the Committee's inquiry into the Freedom of Information Bill 2025 (the Bill).

1.3. The Alliance for Journalists' Freedom is an advocacy group established in 2017 to support press freedom in Australia and the Asia Pacific region. In 2019, we published a White Paper on Press Freedom in Australia, updated in 2024, which argued that a slew of national security legislation passed since 9/11 had undermined the ability of journalists to perform their democratic role as watchdogs monitoring state institutions. The AJF advocates for a Media Freedom Act that would establish the principles of press freedom in a similar way to a constitutional amendment. We believe this would create a positive obligation for investigating agencies and the courts to recognise the public interest in the work of legitimate journalism, including protecting sources, alongside the established public interest in prosecuting the sources of leaked information.

1.4. Dr Danielle Moon is a researcher and lecturer at Macquarie University, specialising in government integrity and administrative decision-making. She holds a PhD from Macquarie University, where she focused

on the disclosure of thinking process material under the Freedom of Information Act 1982.Professionally, Dr Moon has extensive experience in government, most recently at the NSW Ombudsman, where she managed public sector whistleblowing reform. Before moving to Australia, she practised as a government lawyer in the UK, including advising on FOI matters and representing the government in FOI tribunal cases. She currently serves as a Member of the NSW Information and Privacy Advisory Committee (IPAC).

1.5. We recognise the fundamental importance of Freedom of Information in a democracy. We recognise the existing system is dysfunctional and in need of reform and we commend the government for its willingness to engage with the significant issues that beleaguer the current system. We appreciate this serves neither the public service tasked with responding to requests, nor those seeking information. Nonetheless, we oppose the Bill in its current form. Rather than strengthening Australia's Freedom of Information (FOI) regime, the Bill risks undermining transparency, accountability, and public trust. The Committee's 2023 inquiry into the Commonwealth FOI system identified 15 constructive recommendations to improve access to information[1]. Those recommendations established the baseline for reform, though we believe the current bill falls short of these standards.

1.6. We urge the Committee to recommend that the Bill be rejected in its entirety, and that a revised Bill be developed in close alignment with the 2023 recommendations. Such a course of action would bring

[1] Senate Legal and Constitutional Affairs References Committee, Parliament of Australia, *The Operation of the Freedom of Information System* (Report, 2023).

legislative reform into line with the clear evidence base and stakeholder consensus already established.

1.7. The key to any lasting reform is culture change. The adversarial dynamic between government, journalists and the public is corrosive and serves no one. Transparency must be made easier, not harder. At present, freedom-of-information processes are too often expensive, slow and geared toward resisting disclosure. Research shows that minor legislative tweaks will not meaningfully shift this: as laws change, the actors simply adapt to evade them. What's required is deep reform, with all parties—government, media and the public—coming together to identify the real barriers to openness and to design workable solutions. We need transparency by design: openness and engagement built into our systems and culture.

2. Recommendations

2.1. The AJF makes the following recommendations to the Committee to reform the FOI system:

- **Recommendation 1:** Oppose the *Freedom of Information Bill 2025* in its entirety, including:
  a. Rejecting the proposed change to the public interest test in relation to exemption 47C. If this is not accepted, reframe the exemption as prejudice based, rather than class based.
  b. Rejecting the proposed power in 23A to refuse a request on its terms or, if that is not accepted, ensuring that the new s23A does not apply to documents that would be conditionally exempt.
  c. Rejecting the proposed change to the objects Clause
  d. Rejecting its proposals for application fees.

e. Rejecting the 40 work-hour refusal power.
f. Rejecting the ban on anonymous requests.
g. Rejecting the expansion of documents protected from release by Cabinet secrecy provisions, and.
h. Rejecting the blanket exemption for employee-identifying information.

- **Recommendation 2:** Abolish internal reviews to avoid duplication of efforts and streamline the review processes.
- **Recommendation 3:** Fund the OAIC sufficiently to clear the backlog of over 1000 12 month old FOI cases. Introduce enforceable statutory timeframes for FOI decisions and reviews.
- **Recommendation 4:** Mandate proactive disclosure through accessible, searchable disclosure logs.
- **Recommendation 5:** Narrow exemptions and strengthen the public interest test.
- **Recommendation 6:** Ensure ministerial changes do not impede or extinguish access rights.
- **Recommendation 7**: Revise the right of access so it is not limited to 'documents' only.
- **Recommendation 8**: Clarify the obligation to create written records.
- **Recommendation 9**: Empower the FOI Commissioner to conduct auditing and monitoring activities, including powers to compel production of information (including via interview).
- **Recommendation 10**: To the extent that the recommendation for proactive disclosure of Cabinet Material is not accepted, reframe the Cabinet Material exemption as a conditional, rather than absolute, exemption.

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3. Executive Summary

3.1 The *Freedom of Information Bill 2025* falls short of the standards expected of a modern information access regime. While it purports to streamline processes and improve efficiency, the Bill does not resolve fundamental structural problems and, in some cases, exacerbates them.

3.2 The Bill does not address the entrenched delays that applicants face when seeking information. It does not provide the necessary funding or statutory authority for the Office of the Australian Information Commissioner (OAIC) to function effectively. It also fails to narrow overly broad exemptions, which agencies routinely invoke to withhold material of significant public interest.

3.3 Most concerningly, the Bill disregards the Committee's 2023 recommendations, which offer practical, evidence-based reforms widely supported across government, civil society, and academia.

3.4 We therefore submit that the Bill should not proceed in its current form. Instead, Parliament should adopt a new reform package that draws directly from the 2023 recommendations, provides adequate resources for implementation, and establishes enforceable obligations on agencies.

3.5 If the 2023 recommendations are not accepted, at a minimum the government should commit to a fresh inquiry aimed at improving rather than limiting the FOI system.

4 Background and Context

4.1 Freedom of Information is a cornerstone of democratic accountability. It ensures that government activity can be scrutinised, that maladministration or misconduct can be uncovered, and that citizens can exercise their rights in relation to personal information. Scholars such

as McMillan[2] (2010) have emphasised that robust FOI regimes contribute directly to public confidence in government institutions.

4.2 Australia's *Freedom of Information Act 1982* (Cth) was one of the earliest such statutes globally. However, since its passage, the environment for government information management has changed dramatically. Digital communication, large-scale data storage, and expectations of real-time transparency have reshaped what citizens demand of their governments. Australia's FOI framework has been substantially updated to keep pace with these shifts. The changes made by the previous Labor government in 2009-10 presented an in-principle shift toward adopting a more open disclosure model, however the changes proposed in the current Bill would not only reverse that shift but further restrict the right of the public to access documents.

4.3 Persistent challenges include:

4.3.1 **Delays and deemed refusals**. Agencies often fail to meet statutory deadlines, leading to applications being deemed refused. According to the OAIC Annual Report 2023-24[3], there are over 1000 FOI matters on hand.

4.3.2 **Inadequate resourcing of oversight**. The OAIC has consistently reported insufficient staff to manage demand. The 2023 Committee report (Recommendations 9 and 12)[4] recognised the need for sustainable resourcing and performance benchmarks.

4.3.3 **Overuse of exemptions**. The Australian Law Reform Commission (2010)[5] found that agencies regularly invoke deliberative process and cabinet document exemptions in a way that undermines transparency. These

[2] McMillan, John, *Review of Freedom of Information Act 1982 and Australian Information Commissioner Act 2010* (Report 2013).
[3] Office of the Australian Information Commissioner, Annual Report 2023-24 (Report, 2024).
[4] n1.
[5] ALRC, *Secrecy Laws and Open Government in Australia* (Report No 112, 2010) ch 5, [5.77]-[5.80].

exemptions are drafted so broadly that they can be applied to routine policy materials of genuine public.

4.3.4 **Duplication and complexity in reviews**. The internal review mechanism obliges applicants to seek reconsideration within the same agency that refused their application. The 2023 report concluded that this layer adds no substantive value and should be abolished in favour of direct external review (Recommendation 2).

5 Critique of the Bill

5.1 The *Freedom of Information Bill 2025* (Cth) does not resolve the structural weaknesses of the existing FOI regime. Instead, it entrenches practices that delay access, broaden secrecy, and reduce accountability. In 2009-10, the Labor government introduced a series of commendable reforms to the FOI landscape in Australia, strengthening the objects clause, exemptions, and public interest test in ways that promoted openness and transparency. It is a matter of great concern that the amendments in the FOI Bill 2025 appear not only to roll back many of those changes, but further restrict transparency.

5.2 **Internal reviews.** Schedule 4 preserves and extends internal reviews. Applicants are still required to seek reconsideration from the same agency that denied their request before accessing external review. This entrenches duplication and delay.

5.3 **Extended timeframes.** Schedule 4 reframes statutory deadlines for processing FOI applications in *working days* and extends them to up to 45 days, with further opportunities for extensions. Time limits are extended from 30 days (approximately 4 weeks) to 30 working days (6 weeks) for all requests. Further, additional extensions can be agreed as long as they are requested prior to the deadline. Since the 2009/10 amendments, the

power to request extensions had been used extensively. In 2022, for example, the OAIC received 4,925 requests for, and notifications of, an extension of time, a 33% increase compared to the previous financial year[6]. It seems likely that this expanded power will be greeted with equal enthusiasm, particularly in relation to complex requests, leading to greater delays in the disclosure of policy related material. While this applies to all types of request, the expanded power to agree extensions is more likely to be used in relation to complex requests, representing a further barrier to disclosure in this type of case. This normalises delay by allowing initial decisions to take several months.

5.4 **Application fees.** Having abolished application fees as part of the 2009-10 amendments to the FOI Act 1982, new s93C re-introduces them. Schedule 6 introduces a power to impose an application fee for FOI requests, internal reviews, and Information Commissioner reviews (excluding requests for personal information). This places transparency behind a paywall. Journalists, civil society organisations and community groups often operate with limited resources; a fee structure would deter legitimate requests and diminish public scrutiny of government actions. This also goes directly against the principles of open government.

5.5 **Exemptions and secrecy** The Bill expands the range of exemptions from disclosure. Schedule 7 requires decision-makers to consider new "factors against disclosure" when applying the public interest test under section 47C. This represents a reversal of the 2009–10 reforms, which were designed to reduce secrecy in relation to deliberative material. (Proposed changes relating to deliberative Cabinet documents are discussed at 5.13).

[6] Mark Dreyfus KC MP (Attorney-General), 'International Access to Information Day ICON Session 2022' (Speech, Office of the Australian Information Commissioner, 28 September 2022).

5.6 In 2009–10 the Labor government chose not to include "frankness and candour" as a factor that could weigh against disclosure. At present, OAIC guidelines and case law confirm that information generally cannot be withheld on this basis alone. By introducing a new set of factors against disclosure, the Bill marks a significant departure from the pro-disclosure stance of that period. The same is true of the re-insertion into the Objects clause of "competing rights and interests," which had been deliberately removed in the 2009–10 reforms.

5.7 These changes shift the balance toward secrecy, and move away from international best practice, where exemptions are narrow and disclosure is the default. While we recognise the need to protect Cabinet confidentiality in sensitive areas such as national security, the solution is greater transparency, not less.

5.8 Another concern is that the Bill locks in an overly legalistic approach to transparency. Legislating prescriptive lists of public interest factors is unusual. Outside Australia, FOI scholars identify only a handful of jurisdictions, Bosnia and Herzegovina, Rwanda and the Cayman Islands, that adopt a similar model[7].

5.9 Instead of imposing legislative guidelines on how to conduct the public interest test, a better alternative would be to re-frame s47C as a harm-based exemption. Currently the exemption applies if a document falls under the broad definition of deliberative material. Instead, the exemption could be framed to apply only to documents that, if disclosed, would prejudice the effective conduct of public affairs. This approach is similar to the UK's, and narrows the range of deliberative

[7] Maeve McDonagh and Moira Paterson, 'FOI in the Balance: the Function and Role of the Public Interest Test' (2017) *Public Law* 81 and Moira Paterson and Maeve McDonagh, 'Freedom of Information and the Public Interest: the Commonwealth Experience' (2017) 17(2) *Oxford University Commonwealth Law Journal*.

material covered by the exemption, as well as ensuring that the public interest continues to apply.

5.10 New Zealand operates a system of proactive disclosure of cabinet documents (Queensland also uses a similar system). Rather than compromising Cabinet's decision-making processes, the New Zealand experience suggests these disclosures have worked to improve the quality of advice[8]. Public servants know their documents and advice are going to be scrutinised, so they are more scrupulous in making it apolitical and evidence based.

5.11 The New Zealand Office of the Ombudsman[9] specifically outlines the following benefits of the proactive release of cabinet material:

a. Strengthens the accountability of government decision makers;
b. Informs public understanding of the reasons for decisions;
c. Facilitates informed participation in government decision making;
d. Improves public trust and confidence in government.
e. For agencies, it can reduce the burden of responding to individuals

5.12 **Cabinet secrecy.** The proposal to expand the definition of "cabinet documents" protected in Schedule 7 effectively removes vast amounts of material from public access. While protecting sensitive deliberations is legitimate, blanket rules that extend well beyond operational sensitivity prevent scrutiny of decisions long after their relevance to national security has passed. Such restrictions undermine trust in executive decision making and go against both recent trends towards greater Cabinet transparency (New Zealand, Queensland). Additionally, the report from the Royal Commission into Robodebt also recommended

[8]Office of the Ombudsman (New Zealand), *Proactive Release: Good Practices for Proactive Release of Official Information* (Guide, December 2020).
[9] Ibid.

that the existing exemption for Cabinet documents be narrowed for the same reasons[10].

5.13 **Power to refuse a request 'on its terms'**. The Bill proposes a new power to refuse a request if it is apparent that a document would be exempt. The government does not have to identify those documents. It is unclear how this is proposed to work, but it appears that the government could refuse a request for deliberative material because 'on its terms' it would be contrary to the public interest. We are concerned it could be used to avoid even considering the contents of the material requested. At a minimum, we recommend that it apply to material that falls in the scope of absolute exemptions only. It should not apply to material that *might* appear to be conditionally exempt.

5.14 **Blanket bans on complex requests.** Schedule 3, Part 2 introduces a discretionary power to refuse requests that might take more than 40 hours to process. While there is an argument for defining what 'substantial and unreasonable diversion' of resources means, setting the same limits for all cases is likely to have a disproportionate impact on complex requests. Information about the development of policy and administrative decisions in important areas would likely fall in this category. Some of the most profound stories of government mismanagement in recent decades have come directly from complex FOI requests.

5.15 It is evident that complex requests take time to process. As early as 1984-5, an Inter-Departmental Committee found that while the average time to respond to a request for 'personal' information was 13 hours, the

[10] Robodebt Royal Commission Report, n 1, 657. Note that the repeal of s 34 was not framed as a formal recommendation, and so was not formally assigned a recommendation number.

average for 'policy' related requests was 58 hours[11]. While more up-to-date figures are not publicly available, there is no evidence to suggest that answering policy requests takes less time now than it did in 1984-5[12]. The attached article demonstrates that already, the process and procedure elements of law represents significant barriers to accessing 'thinking process' documents. The proposed 40-hour limit is likely to mean that only the simplest, least controversial requests for policy-related material will proceed. This is likely to have a bigger impact on access to government 'thinking process' material than the proposed changes to the exemption and public interest test. We recommend introducing different 'caps' for different types of requests, with a significantly higher cap for policy related requests. [1]

5.16 Failure to do so will effectively impose a blanket barrier against accessing large or complex datasets. Many of the most important investigations into public policy, such as those concerning aged care, immigration detention, climate change, and defence procurement, have relied on documents that would have been captured by this threshold. Complexity is not a reason to refuse scrutiny; it underscores the importance of transparency.

5.17 **Anonymous requests.** Schedule 2, Part 5 removes the ability to lodge FOI requests anonymously or under a pseudonym and requires declarations where a request is made on behalf of another person. This undermines accessibility and poses risks for whistleblowers, vulnerable individuals, and those who may fear reprisal. This change also seems at odds with the principle that legislation is 'requestor blind': everybody has an equal right to information. Limiting anonymity discourages legitimate

[11] Attorney General's Department, 'Report of the Interdepartmental Committee on the Costs of Freedom of Information Legislation' (1986) A4.
[12] Office of the Australian Information Commissioner, *Processing of Non-Routine FOI Requests by the Department of Immigration and Citizenship* (Report of an Own Motion Investigation Report No OM12/00001, 2012).

applications and narrows the scope of participation in government accountability.

5.18 **Ministerial changes.** Schedule 8, Part 1 provides that FOI requests may lapse or require manual transfer when a Minister leaves office. This undermines continuity of access rights. The 2023 Committee report emphasised that changes in ministerial office should never extinguish or delay applicants' rights. The Bill directly contravenes that principle.

5.19 **Employee-identifying information.** Schedule 2, Part 2 enables agencies to edit documents to remove the names, contact details, and identifiers of government employees from disclosure, if it is not 'necessary to meaningfully increase scrutiny, discussion or comment on Government processes or activities.'. It is not clear who makes this decision and on what grounds. Neither is it clear if these decisions are subject to review. While protecting privacy is important, this provision risks concealing information essential to accountability, particularly in cases of conflicts of interest or misconduct. A narrowly tailored provision that enables an agency to exclude such material only with the consent of the requestor and /or the OAIC would be a better balance between privacy with transparency.

5.20 **Oversight and resources.** Finally, the Bill makes no provision for additional funding for the OAIC, nor does it impose new performance reporting obligations. The OAIC's *Annual Report 2023-24*[13] recorded a backlog of unresolved matters and significant processing delays. This underscores the resourcing shortfalls that are already undermining the effectiveness of the OAIC oversight.

5.21 Taken together, these provisions reveal a reform package that weakens rather than strengthens the FOI regime. Instead of delivering faster, fairer,

[13] n2.

and more transparent access, the Bill entrenches barriers to accountability and undermines the right of the public to know.

6 Alternative Pathways for Reform

6.1 This submission has drawn heavily from the work already done by this Committee in 2023. A constructive path to reform is readily available in the form of the Committee's 2023 recommendations. Instead of passing this Bill, the Government should recommit to those recommendations and embed them in a new, comprehensive legislative framework. The recommendations are summarised below:

- **Rec 1:** Abolish internal reviews; reallocate resources to primary decision-making; full merits review only at ART (or equivalent); allow direct appeal to ART after a primary decision.
- **Rec 2:** Separate FOI review and regulatory functions from OAIC; relocate FOI Commissioner to the Office of the Commonwealth Ombudsman.
- **Rec 3:** Reallocate existing FOI resources to the relocated FOI Commissioner and ensure adequate ongoing resourcing.
- **Rec 4:** Impose statutory timeframes for FOI reviews and decisions, with limited extensions only in exceptional cases.
- **Rec 5:** Amend FOI Act to ensure ministerial changes do not impede access rights.
- **Rec 6:** Require disclosure logs to publish full released documents online, subject to privacy and technical limits.
- **Rec 7:** Expand reporting obligations for agencies and review bodies on timeliness and effectiveness.

- **Rec 8:** Conduct Strategic Assessment of OAIC covering resourcing, culture, KPIs, backlog management, and legislative reform.
- **Rec 9:** Publish the Strategic Assessment of OAIC.
- **Rec 10:** Within three years, review FOI reforms' effectiveness (fees, deemed disclosure, resources, proactive release, vexatious applicants, ministerial documents, etc).
- **Rec 11:** Ensure Strategic Assessment identifies additional funding to clear backlogs and sustain an effective FOI regime.
- **Rec 12:** Run a whole-of-government campaign encouraging agencies to create direct pathways for individuals to access personal information outside FOI.
- **Rec 13:** OAIC to develop guidance and build agency capacity for personal information access outside FOI.
- **Rec 14:** OAIC to streamline guidance and training for agencies on vexatious applicant declarations; consider legislative amendments if needed.
- **Rec 15:** Enact these reforms promptly, with consultation, and ensure periodic review of the FOI system's effectiveness.

6.2 Abolish the internal review process and replaced it with direct recourse to independent external review by the Administrative Review Tribunal (ART) or equivalent tribunal. This would streamline decision-making, reduce duplication, and provide applicants with a clearer and faster path to impartial review. Internal review has been widely criticised as an unnecessary step that only entrenches delays without offering substantive resolution.

6.3 Introduce firm, enforceable statutory timeframes for both agency decisions and review bodies. Current statutory deadlines are routinely

ignored without consequence. Enforceable timeframes, backed by remedies for applicants in cases of non-compliance, would provide meaningful discipline to agencies and review bodies, improving timeliness and accountability.

6.4 Ensure that ministerial portfolio changes do not obstruct access rights. Information held in ministerial offices belongs to the public, not to individual ministers. Applicants should not lose access because of political or administrative transitions, as this undermines the principle of continuity in government accountability.

6.5 Strengthen proactive disclosure . As New Zealand has demonstrated, building a culture of proactive disclosure would save government departments and agencies time and resources otherwise spent fielding specific requests. Much of the problems associated with the current system (including transparency, OAIC backlogs, and departmental workloads) could be sidestepped by simply broadening the types of information that the government regularly releases to the public.

6.6 Agencies should maintain disclosure logs that are searchable, accessible, and published in machine-readable formats. At present, disclosure logs are inconsistent, difficult to search, and often incomplete. A more robust system would reduce the need for repeat FOI requests, enhance public access, and align with international best practice.

6.7 Narrow exemptions and strengthen the public interest test. The current exemptions, particularly for cabinet documents and deliberative processes, are excessively broad and susceptible to misuse. A stronger, clearer public interest test would balance legitimate confidentiality needs with the fundamental principle of accountability. This would also reduce litigation and disputes over exemptions by providing greater clarity in the law.

6.8 Properly resource the Office of the Australian Information Commissioner (OAIC) and introduce transparent performance reporting. Without adequate resourcing, even the best legislative reforms will fail in practice. Transparent benchmarks for timeliness, quality of decision-making, and case resolution rates should be embedded in law to ensure public confidence.

6.9 Many FOI commissioners in other jurisdictions have a power of audit and monitoring. This means that as well as conducting individual reviews, and investigating complaints, they can conduct audits and report to Parliament on what they find. They can look at systemic issues across agencies. They can look at culture as well as compliance. Shifts in culture can have larger impacts than simple regulatory change.

6.10 Access to information is further constrained by the lack of any clear obligation, under the *FOI Act 1982* or elsewhere, for Australian Government officials to create detailed written records. When the *Public Service Act 1999 (Cth)* incorporated the Australian Public Service Values into legislation for the first time, no express duty to make records was included. Without such a requirement, there is a real risk that important advice will be delivered orally rather than documented, leaving no enduring record[14]. The obligation to create records of oral advice should therefore be clarified and entrenched.

6.11 Section 11 of the *FOI Act 1982* frames the right of access as a right to "documents" of an agency or Minister. Despite the Act's title and the objects clause referring broadly to "information", it is clear from the wording of this section that, in practice, the Act provides access only to documents, not information. Available documents may not contain the desired answer or may be exempt from release. Applicants may

[14] *Public Service Act 1999 (Cth)* s 13.

also struggle to identify which records exist or how to describe them, so a request can fail even when relevant information is held.

6.12 The original justification, that government should not be required to create documents to satisfy requests, now warrants reconsideration. Requesters often seek answers to specific questions, not simply the underlying papers from which an answer might be inferred.

6.13 Modern technology weakens the resource-burden argument. AI tools could help agencies locate and summarise the information they hold far more efficiently than locating, reviewing, redacting and releasing a set of documents by hand.

6.14 We submit that it is time to revisit the legislative framing so that access is to information in the broadest terms, harnessing current technology to make transparency both easier for government and more useful for the public.

6.15 Finally, the FOI system should be subject to periodic independent reviews. Regular evaluation would ensure that the system adapts to emerging challenges, including the rapid evolution of digital information management, cybersecurity concerns, and changing expectations of transparency. Embedding a requirement for periodic review would provide an ongoing mechanism for accountability and continuous improvement.

7 Risks if the Bill Proceeds

7.1 If enacted in its current form, the Bill would have serious negative consequences for Australia's democratic accountability framework.

7.2 The Bill would entrench systemic delays and denials of access by retaining inefficient processes and failing to impose statutory deadlines. Applicants would continue to face protracted waits for information,

sometimes stretching into years, effectively defeating the purpose of an FOI system designed to provide timely access to information.

7.3 It would also reduce accountability and public trust in government. By weakening rights of access and maintaining broad exemptions, the Bill signals – both to the public, and to public servants tasked with making decisions in response to FOI requests - that transparency is secondary to secrecy. This risks undermining Australia's compliance with international norms, such as the Open Government Partnership (of which Australia is a member), and diminishes the credibility of parliamentary oversight mechanisms.

7.4 Administrative and legal burdens would likely increase. The Bill's failure to simplify processes and its reliance on vague exemptions would generate further appeals and disputes. This would place greater strain on already under-resourced oversight bodies, while simultaneously increasing costs for applicants and agencies.

7.5 The Bill is also ineffective in addressing the problem of automated or vexatious FOI submissions. While we recognise that these kinds of submissions clog the system and increase the costs, the Bill's solutions introduce broad restrictions that burden all applicants. It also does little to specifically curb the impact of bots or serial abusers of the system. More proportionate and technologically straightforward options are readily available, such as IP throttling, the introduction of CAPTCHAs, or targeted administrative safeguards. These measures would address the issue directly without undermining the rights of genuine applicants to seek information.

7.6 Finally, the Bill would disproportionately disadvantage journalists, researchers, and ordinary citizens who rely on FOI to scrutinise government decisions. Those without the resources to pursue lengthy and complex review processes would effectively be excluded from

meaningful participation in democratic accountability. This undermines the principle that FOI should be accessible to all, regardless of means or expertise.

8 Conclusion

8.1 The *Freedom of Information Bill 2025* represents a missed opportunity to strengthen transparency and accountability. Rather than addressing long-standing systemic issues, it risks embedding them more deeply into the framework of FOI law.

8.2 We urge the Committee to reject the Bill in its current form and to recommend that the Government redraft the legislation in genuine alignment with the Committee's 2023 recommendations. Only by implementing those evidence-based reforms can Australia establish an FOI system that is transparent, efficient, and fit for purpose in the digital age.

8.3 The Alliance for Journalists' Freedom would welcome the opportunity to engage further with the Committee and Government on building a fairer, faster, and more transparent FOI regime.

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